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|-------------------------------|------------------------|----------------------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b>              |  |
|                               | 09/822,154             | IMMERMAN, ROBERT A.<br><i>ST</i> |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>                  |  |
|                               | Kimberly T. Wood       | 3632                             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 10/14/04.
2.  The allowed claim(s) is/are 23,24 and 26.
3.  The drawings filed on 6/22/01 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_

Kimberly T. Wood  
Primary Examiner  
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This is office action for serial number 09/822,154,  
entitled Suction Cup Holder.

**Examiner's Amendment**

Authorization for this examiner's amendment was given in a telephone interview with D. Peter Hochbert on October 19, 2004.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

**Claim 23, line 2,** -- wire supports forming a-- has been inserted before "shelf".

, line 3, "and having a section generally lying in a vertical plane, said sections having" has been deleted and --,-- has been inserted.

, line 4 --forming a section generally lying in a vertical plane-- has been inserted after "parallel wires".

, line 4 "for use with" has been deleted and --;-- has been inserted.

, line 7, "for" has been deleted , line 7, "a" has been deleted before "suction cup" and --the-- has been inserted.

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, line 14, "segment" has been deleted and -- section--  
has been inserted.

, line 10, "a" has been deleted before "suction cup"  
and -- the-- has been inserted.

, line 11, "a" has been deleted before "suction cup"  
and -- the-- has been inserted.

**Claim 24, line 3,** "one of" has been deleted and

, line 3, "sections" has been deleted and -section--  
has been inserted.

, line 3, "on said one" has been deleted and -said--  
has been inserted.

**Claim 26, line 2,** -- wire supports forming a -- has been  
inserted before "shelf".

, line 3, "and having a section generally lying in a  
vertical plane, said sections having" has been deleted and --,--  
has been inserted.

, line 3 --forming a section generally lying in a  
vertical plane-- has been inserted after "parallel wires".

, line 4 "for use with" has been deleted and --,--  
has been inserted.

, line 7, "for" has been deleted

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, line 7, "a" has been deleted before "suction cup" and --the-- has been inserted.

, line 14, "segment" has been deleted and -- section-- has been inserted.

, line 10, "a" has been deleted before "suction cup" and -- the-- has been inserted.

, line 11, "a" has been deleted before "suction cup" and -- the-- has been inserted.

, line 14, "segment" has been deleted and --section-- has been inserted.

#### **Allowable Subject Matter**

Claims 23, 24 and 26 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art does not disclose a wire fixture made of metal wires having a horizontal wire supports forming a shelf surrounded by vertical walls being parallel vertical wires; at least four vertical parallel wires forming a section; a resilient suction cup having a suction cup body, a neck, and an enlarged head; and a piece of metal wire bent in the from of a rectangle with rounded corners being dimensional to be both of sufficient size to enable the head of the suction cup to be

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forced into the rectangle and to hold the neck of the suction cup to retain the cup in the rectangle, the apparatus being attached to said two adjacent parallel wires of the said section with one pair of opposing parallel sides of said apparatus being parallel to said parallel wires of said section and the other pair of opposing parallel sides of said apparatus being perpendicular to said parallel wires of said section.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

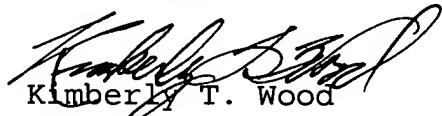
The prior art discloses conventional wire fixtures or wire rectangular apparatuses with curved corners.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 703-308-0539. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kimberly T. Wood  
Primary Examiner  
Art Unit 3632

October 19, 2004